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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,346	06/24/2003	Craig Richard Watkins	08212/0201027-US0/NC28793	3987

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EXAMINER
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SANDOVAL, KRISTIN D

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/606,346

Applicant(s)

WATKINS ET AL.

Examiner

Kristin D. Sandoval

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/8/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-48 are pending.

#### ***Oath/Declaration***

2. In view of the papers filed July 10, 2006, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Jeremey Barrett.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

#### ***Claim Objections***

3. Claims 22, 24, 26, 27, 29, 31 and 35 objected to because of the following informalities: There are numerous grammatical and spelling errors. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 20, 28-30, 32, 33, 36-41 and 45-47 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 20 and 33, the phrase "or other similar" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or other similar"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 2 recites the limitation "convey the results of the scanning process" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. A scan has not taken place, therefore, it is unclear what scanning process the claim is referring to.

Regarding claims 28-30, 32, 33, 36-41 and 45-47, the "wherein" clauses don't make sense. For example, claim 28 states, "wherein using a signed applet executing the script to access the remote network device for the purposes of executing programs as well as searching and reading specific data files that reside on the remote network device." It is better stated in claims 7 and 17.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 8-15, 19, 21, 22-26, 29, 31, 32, 34, 35-38, 42-44, 46 and 48 rejected under 35 U.S.C. 102(e) as being anticipated by Shaw, U.S. Patent No. 7,058,970.

As per claims 1, 10 and 11:

Shaw discloses an apparatus comprising:

a proxy device for receiving a request for network services by at least one remote network device and performing a security integrity scanning operation on the requesting remote network device; and an authorization processing unit and access control rules unit for determining if the remote network device is authorized to access the requested network services based on the results of the security scanning operation (6:48-61).

As per claims 2, 12, 23 and 36:

Shaw discloses a proxy device making integrity security decisions regarding access to network services by a remote network device on a request-by-request basis (6:48-61).

As per claims 3, 13, 24, 37 and 42

Shaw discloses an access control rules unit that includes a plurality of variables used to generate a set of security properties for each remote network device (6:1-9, 8:19-30).

As per claims 4, 14, 25 and 43:

Shaw discloses a set of security properties that may be different for each remote network device that accesses and requests service through the network (7:42-8:30).

As per claims 5, 15, 26 and 39:

Shaw discloses a device that uses at least one script to select of the type of scanning operations to be performed for each remote network device accessing the network (6:62-7:15).

As per claims 8, 19, 29, 31, 32, 38, 44 and 46:

Shaw discloses the authorization processor referring to a series of variable values in the access control rule unit to determine if a remote network device is authorized to access the requested network service (6:1-61).

As per claim 9:

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Shaw discloses a system comprising:

at least one remote network device that accesses a network via a network connection to make a request for one or more network resident services; a gateway device for receiving the request for services and performing a security integrity scanning operation on the remote network device prior to allowing access to the requested network services (2:62-3:12); an authentication server that verifies user authentication credentials of users of remote network devices that access the network; and at least one network server that provides requested network services to at least one remote network device accessing the network through the gateway device (6:48-7:15).

As per claims 21, 34, 48:

Shaw discloses an apparatus wherein the remote network device is a personal computer (abstract).

As per claim 22:

Shaw discloses a method comprising:

defining at least one variable used as a vehicle to convey the results of the scanning process downloading verification software via a network connection to the remote network device that performs scanning process and reports result used in scanning script includes at least one variable performing at least one scanning operation on the remote network device to verify the security integrity of the remote device; and obtaining the results of the scanning operation for purposes of determining whether or not the remote network device is authorized to access the requested network services (4:50-5:3, 6:48-51).

As per claim 35:

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Shaw discloses a method comprising the steps of:

defining at least one access control policy for accessing network services wherein the access control policy depends, at least in part, on the results of an integrity scan performed on the remote network device; downloading verification software that an administrator can specify what scan scripts are to be used under what conditions to the remote network device; performing an integrity scan on the remote network device and conveying at least one result of the scan to a gateway device; and regulating access by the remote network device to network services via the gateway device based, at least in part, on the results of the integrity scan (6:48-61, 7:42-8:30).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7, 16, 17, 18, 27, 28, 30, 40, 41 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Ji et al. (Ji), U.S. Patent No. 6,728,886.

As per claims 6, 7, 16, 17, 27, 28, 40 and 41:

Shaw fails to teach a signed applet, executing the script, allowed to access the remote network device for the purposes of executing programs as well as searching and reading specific data files that reside on the remote network device. However, Ji discloses a method wherein a signed Java applet is used to execute scripts in a similar endeavor (6:22-45, 7:33-34).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a signed java applet in order to ensure the integrity of the computer creating a local virus scanning engine on the remote host computer which would make the entire system more secure and prevent the spread of viruses.

7. Claims 6, 7, 16, 17, 18, 27, 28, 30, 40, 41 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Hiltgen, U.S. PG-PUB 2003/0177392.

As per claims 18, 30, 45:

Shaw fails to teach the use of SSL to protect data communicated between the remote device and the gateway device.

As per claims 20, 33, 47:

Shaw fails to teach networks used for establishing communication between said remote device and said gateway using WAP.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize SSL and WAP in order to improve security of communications and to allow for communications to occur over a wireless network allowing for more flexibility and portability.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958.

The examiner can normally be reached on Monday - Friday, 8:00-5:30.



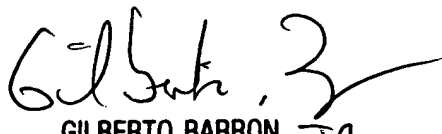
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KDS  
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Kristin D Sandoval  
Examiner  
Art Unit 2132

  
GILBERTO BARRON  
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